



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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JOHN F. KRATTLI
County Counsel

December 18, 2012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

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The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Agenda No. 2
#14 OF DECEMBER 18, 2012 09/25/12

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**Re: PROJECT NUMBER R2010-01785-(4)
CONDITIONAL USE PERMIT NUMBER 2010-00168-(4)
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a duly-noticed public hearing on the above-referenced project to authorize the construction, operation, and maintenance of a self-serve automatic car wash, and to authorize the sale of beer and wine for off-site consumption, on a 0.44-acre parcel located at 11347 East Washington Boulevard in the unincorporated community of West Whittier-Los Nietos. At the conclusion of the hearing, you indicated an intent to approve the permit and instructed our office to prepare findings and conditions for your consideration. Enclosed are findings and conditions for your consideration.

Very truly yours,

JOHN F. KRATTLI
County Counsel

By *Keane*
PATRICIA KEANE
Senior Deputy County Counsel
Property Division

APPROVED AND RELEASED:

Richard D. Weiss
RICHARD D. WEISS
Chief Deputy

PK:vn
Enclosures

HOA.924183.1

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NUMBER R2010-01785-(4)
CONDITIONAL USE PERMIT NUMBER 2010-00168-(4)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 2010-00168-(4) ("CUP") on September 25, 2012. The CUP was heard concurrently with Zone Change No. 2011-00007-(4) ("Zone Change"). The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the CUP and Zone Change on June 20, 2012.
2. The permittee, Black Gold Corporation ("permittee"), requests the CUP and the related Zone Change to authorize the construction, operation, and maintenance of a self-serve automatic car wash, and to authorize the sale of beer and wine for off-site consumption, at a site with an existing gas station and food mart, on a 0.44-acre parcel located at 11347 East Washington Boulevard in the unincorporated community of West Whittier-Los Nietos within the Whittier Downs Zoned District ("Project").
3. The CUP is a request to implement a development program for the Project, which is required for all projects that include zone changes with a corresponding Development Program (-DP) overlay zone, pursuant to section 22.40.030 of Title 22 of the Los Angeles County Code ("County Code"). The Development Program is designed to ensure that all development on the subject property conforms to those plans that are submitted during the rezoning process when such plans are a critical factor in the decision to rezone. Any future changes to the use of the property, other than those specifically allowed in the development program, would require a new CUP. Additionally, the CUP is a request to authorize the sale of beer and wine for off-site consumption at the existing food mart.
4. The Zone Change is a related request to rezone the Project site from C-2-BE (Neighborhood Commercial, Billboard Exclusion), which does not permit self-serve automatic car washes, to C-3-BE-DP (Unlimited Commercial, Billboard Exclusion, Development Program), which allows self-serve automatic car washes subject to a CUP for implementation of the development program.
5. The CUP for purposes of the self-serve automatic car wash will not become effective until the proposed Zone Change is adopted by the Board and becomes effective.
6. Vehicular access to the Project site is provided by Washington Boulevard on the south and Broadway Avenue on the east via existing driveways.
7. The Project site is approximately 0.44 acres in size, rectangular in shape with level terrain, and mostly paved. The Project site is located within an urbanized

area, surrounded by developed land in all directions. The Project site is currently developed with an existing gas station and food mart, with a total of four spaces, including three parking spaces, located on the western portion of the Project site, and one handicapped accessible parking space located just east of the food mart near the entrance. Approximately 2,085 square feet of landscaping is maintained on the site in planter areas located on the north, west, and east property boundaries.

8. The permittee's site plan, labeled Exhibit "A," depicts the existing 800-square-foot food mart, fueling islands, and three underground single-wall fiberglass gas tanks. The fueling station islands are covered by an existing canopy measuring 24.5 feet by 47.5 feet. The site plan also depicts a new 18- by 42-foot tunnel-structured car wash along the western boundary of the site. The site plan also adds two parking spaces to the existing facility, resulting in a total of six parking spaces, including five standard parking spaces and one space for disabled persons. The permittee submitted elevations that depict the car wash from the north, south, and west. The north elevation depicts the car wash entrance, the south elevation depicts the car wash exit, and the west elevation depicts the length of the structure, which is 44 feet. The elevations also depict the proposed signage on the north (entrance sign), south (exit sign), and west (car wash sign). The building height as shown is 14 feet. The permittee has also submitted floor plans of the proposed car wash and the existing food mart. The floor plan of the proposed car wash depicts the area of the car wash as 17 feet wide by 42 feet long, for a total area of 714 square feet. The floor plan of the existing food mart depicts the location of the sales floor, walk-in cooler, storage, restroom, shelves, and cashier area. The floor plan also includes a shelf plan for the proposed sale of beer and wine for off-site consumption. The shelf space for beer and wine does not exceed five percent of the total shelf space in the establishment.
9. The Project site is currently designated 1-Low Density Residential-1 to 6 dwelling units per acre on the Countywide General Plan ("General Plan") Land Use Map. Within the generalized residential areas mapped, a variety of use types and intensities presently exist, and include those that are often incidental to residential uses and provide convenient services to residential communities. Such uses typically include local commercial services, schools, churches, local parks, and other community-serving public facilities. The Project site is currently zoned C-2-BE, With the proposed C-3-BE-DP zoning, the operation of a self-serve automatic car wash incidental to an existing gas station, and the sale of alcohol for off-site consumption from an existing food mart would be consistent with this designation.
10. The Surrounding Properties within a 500-foot radius of the Project site are zoned as follows:

North: R-1 (Single-Family Residence);
South: City of Santa Fe Springs;

East: C-2-BE;
West: C-2-BE; and
R-3-P (Limited Multiple Residence-Parking).

11. Surrounding land uses within a 500-foot radius of the Project site are as follows:

North: Single-family residences;
South: Commercial;
East: Commercial; and
West: Commercial.

12. Two previous zoning cases were approved on the subject property. Zone Exception No. 6630 was approved March 12, 1963, to allow automobile repair as a permitted use in the C-2 Zone. The property is not currently being used for automobile repair. Plot Plan No. 33412 was approved in 1984 to allow for the existing gas station and associated uses on the Project site. As described below, the approval was subsequently amended to allow for remodeling and additional signage.

- A. Plot Plan No. 33412 was originally approved on September 1, 1984, to authorize an automobile gas station with an 800-square-foot food mart. The food mart is permitted to sell prepackaged food only. No food preparation or consumption is allowed on the premises.
- B. On May 14, 1985, the plot plan was revised to allow for remodeling of the gas station with an 800-square-foot food mart.
- C. On August 21, 1986, the plot plan was revised to allow for the addition of a three-sided price sign to an existing freestanding sign.
- D. On October 30, 1986, the plot plan was revised to allow for a four-product gasoline price sign.

13. A different applicant previously applied for a zone change and CUP to authorize the construction, operation, and maintenance of a self-serve automatic car wash (Project No. 01-064) on the Project site. The Commission approved that project on July 16, 2003. In 2004, the Board held a combined hearing concerning the zone change and CUP requests. After continuing the matter to allow the previous applicant to satisfy the necessary posting requirements, on August 24, 2004, the Board indicated its intent to deny the zone change and CUP for failure to meet the posting requirements. The applicant did not further pursue the project.

14. An acoustical analysis was prepared by A & S Engineering, Inc., dated August 18, 2011, which demonstrated that with proposed conditions, including the installation of noise reduction features on the car wash equipment, the noise produced by the car wash will not exceed ambient levels.

15. Prior to the Commission's public hearing, an Initial Study was prepared for the Project in compliance with the California Environmental Quality Act ("CEQA"). Based on the Initial Study, staff of the County Department of Regional Planning ("Regional Planning") determined that a Negative Declaration was the appropriate environmental for the Project because the Initial Study concluded that there was no substantial evidence that the Project would result in a significant impact on the environment.
16. On June 20, 2012, a duly-noticed public hearing was held before the Commission. The Commission heard a presentation from staff and testimony from a representative of the permittee in support of the Project. No members of the public spoke regarding the Project. The Commission discussed landscaping on the Project site and required that additional planters and plantings be provided. There being no further testimony, the Commission closed the public hearing and adopted the Negative Declaration for the Project. The Commission approved the CUP and recommended that the Board approve the requested Zone Change.
17. Pursuant to section 22.60.230(B)(2) of the County Code, because the Project approvals included a recommendation by the Commission to the Board on the Zone Change, the CUP was called up for review by the Board concurrently with the requested Zone Change.
18. On September 25, 2012, the Board conducted a duly-noticed public hearing on the Project. The Board heard a presentation from Regional Planning staff. The permittee did not testify, and no members of the public testified.
19. The Board finds that with the requested Zone Change of the Project site from C-2-BE to C-3-BE-DP, a CUP is required in order to establish and implement a development program for the Project. A CUP is also required to allow for the sale of beer and wine at the existing food mart on the Project site.
20. The Board finds that the Project is consistent with the goals and policies of the General Plan. The Project provides a service that is incidental to neighborhood-serving commercial uses and is consistent with the types of uses that are located in the surrounding area.
21. The Board finds that the Project is consistent with the surrounding area in the unincorporated community of Whittier. The exterior appearance of the existing commercial buildings and the proposed car wash is consistent with similar buildings in the surrounding neighborhood and in keeping with the character of the area.
22. The Board finds that the Project is consistent with the development standards of the proposed C-3 zone and the requirements of the –BE and –DP zones, as set

forth in sections 22.28.220 and 22.40.110 and Chapter 22.40, Parts 2 and 3, of the County Code.

23. The Board finds that, with the additional landscaping required by the Commission, the Project is in compliance with the lot coverage and landscaping requirements set forth in the County Code. Section 22.28.220.A of the County Code requires that not more than 90 percent of the net area be occupied by buildings, and that a minimum of 10 percent of the net area be landscaped with a lawn, shrubbery, flowers, and/or trees, which shall be continuously maintained in good condition. The permittee's site plan depicts approximately 14 percent of the subject property occupied by the food mart, the fueling islands canopy, and the car wash. The site plan also shows 10 percent of the property landscaped.
24. The Board finds that the Project is in compliance with the parking requirements set forth in the County Code. Section 22.52.1100 of the County Code requires one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or structure used for commercial purposes. The total square footage of the floor area, as calculated for the existing gas station/food mart building is 800 square feet, which requires three parking spaces. One parking space for disabled persons is also required. Although the proposed car wash is not considered a separate use from the gas station and food mart for purposes of calculating the required parking, the permittee is proposing to provide a parking space for car wash patrons. The site plan also shows an additional standard parking space, for a total of six parking spaces on the Project site.
25. The Board finds that the Project is in compliance with outdoor display and storage requirements in the County Code. Section 22.28.220.C and D of the County Code require that all displays shall be located entirely within an enclosed building, with certain exceptions, unless otherwise authorized by a temporary use permit, and outside storage is permitted on the rear of a lot or parcel of land when such storage is strictly incidental to the permitted use. No outside display or storage is proposed or authorized as part of this Project.
26. The Board finds that the Project is in compliance with the requirements of the -BE zone. Pursuant to section 22.40.100 of the County Code, the -BE zone is established to provide for certain commercial and industrial areas within the County to be free from outdoor advertising signs where such signs could cause hazards to pedestrians and motorists, detract from the appearance of such areas as places to shop and work, or be detrimental to an important aspect of the economic base of such areas by detracting from the natural beauty and environment of such areas. No such signage is proposed or authorized as part of this Project.
27. The Board finds that the Project complies with the sign requirements in the County Code. Pursuant to section 22.52.870, business signs are permitted in the C-3 zone, subject to the restrictions outlined in sections 22.52.880 – 22.52.920.

No new business signs are proposed by the permittee at this time. Any new signs will be subject to the signage provisions of the County Code.

28. The Board finds that the permittee has submitted a development program, consisting of a site plan and progress schedule, which, including updated information that is required pursuant to the conditions of approval, complies with the requirements of section 22.40.050 of the County Code.
29. The Board finds that the development program provides the necessary safeguards to ensure completion of the proposed development by the permittee and that the development program ensures that the Project will not be replaced by a lesser type of development contrary to public convenience, welfare, or development needs of the area.
30. The Board finds that the Project is consistent with the surrounding area in the unincorporated community of Whittier. The existing gas station/food mart has been in operation for 20 years. The Project provides a convenience and service to the surrounding neighborhood.
31. The Board finds that the Project on the Project site will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare. The Project is sufficiently buffered from neighboring uses and the hours of operation for the self-serve automatic car wash will be limited to ensure that such use will be compatible with nearby residential and commercial uses. The car wash will be limited to operating between the hours of 7:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 8:00 p.m., Saturday and Sunday.
32. The Board finds that the Project site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The Project complies with all the development standards applicable in the underlying zoning. Additionally, the permittee has agreed to the installation of a seven-foot-high block wall along the northern property line, where the property adjoins the alley, for the full length of the alley. The permittee has also agreed to install a seven-foot-high block wall along the western property line at the side of the proposed car wash and have it extend 10 feet beyond the entrance and exit of the car wash to prevent excess moisture from blowing out of the car wash on to neighboring properties.
33. The Board finds that the Project site is adequately served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of

traffic such use would generate, and is adequately served by other public or private service facilities as are required.

34. The Board finds that the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius. The Project site is surrounded by commercial, single-family, and multi-family residential uses. There are sensitive uses located within 600 feet of the Project site, including the Santa Fe Kid Company of Whittier Preschool, Capella Christian Academy, and a portion of the property containing the Cornerstone Preschool. The Cornerstone Preschool building itself is located approximately 800 feet from the Project Site. The Project site, however, is adequately separated and buffered from the nearby sensitive uses. The sale of beer and wine at the existing food mart is incidental to the gas station and car wash operation and will not appreciably change the existing operations in a manner that will impact the surrounding community.
35. The Board finds that, although there are other establishments within 500 feet of the Project site that sell alcohol for on-site and off-site consumption, the Project provides a public convenience as it allows for the sale of beer and wine in conjunction with the operation of a food mart at an existing gas station. The sale of beer and wine at gas station/food marts is a customary service at such facilities and provides a convenient location for customers to purchase alcoholic beverages along with other goods. The existing gas station facility has been in operation for approximately 20 years and allowing for the sale of beer and wine incidental to on-going operations enhances the economic viability of the existing business. In compliance with applicable County Code provisions, the Project is limited to having a maximum of five percent of the shelf space in the food mart devoted to the sale of alcoholic beverages. The permittee has submitted a site plan that confirms compliance with this requirement.
36. The Board finds that based on information from the California Department of Alcoholic Beverage Control ("ABC") a total of four licenses for the sale of alcoholic beverages for off-site consumption are permitted within this census tract; three such licenses exist. The addition of a license for the gas station/food mart will not create an over-concentration of licenses within the census tract pursuant to the provisions of ABC. However, the Board finds that based on the Business and Practices Worksheet dated December 6, 2010, and provided by ABC, the Project site is within a high-crime reporting district, and therefore ABC would require a finding of public convenience and necessity in order to approve the alcohol license. The Board finds that the Project will provide a public convenience and necessity by providing a convenient location for customers to purchase alcoholic beverages at the existing gas station/food mart.
37. The Board finds that the sale of beer and wine will add to the product line already sold by the gas station/food mart and improve its economic welfare. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

38. The Board finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood because no changes are proposed to the existing food mart and fuel island canopy, and the self-serve automatic car wash will be constructed in a style consistent with the existing buildings on the Project site.
39. The Board finds that to ensure continued compatibility between the Project and surrounding land uses, it is necessary to limit the term of the grant to 20 years.
40. The Board finds that compatibility with the surrounding land uses will be ensured through the Zone Change and the CUP.
41. The Board finds that pursuant to the provisions of sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and libraries located in the vicinity of the Whittier community. On May 10, 2012, a total of 67 Notices of Public Hearing were mailed to all property owners as identified on the current County Assessor's record within a 500-foot radius from the Project site, as well as to those on the courtesy mailing list for the Whittier Downs Zoned District and to any additional interested parties.
42. The Board finds that the Negative Declaration for the Project was prepared in accordance with CEQA, the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The Board finds on the basis of the whole record before it, including any comments received during the public review process, that there is no substantial evidence the Project will have a significant effect on the environment and that the Negative Declaration reflects the independent judgment and analysis of the Board.
43. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES THAT:

- A. The proposed use with the attached conditions is consistent with the adopted General Plan.

- B. With the attached conditions, the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare.
- C. The Project site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The Project site is adequately served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and is adequately served by other public or private service facilities as are required.
- E. The development program, as approved through the CUP, provides necessary safeguards to ensure completion of the Project by the permittee and to forestall the substitution of a lesser type of development contrary to the public convenience, welfare, or development needs of the area.
- F. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- G. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- H. The requested use at the proposed location will not result in an undue concentration of similar premises. A separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.
- I. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- J. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Certifies that the Negative Declaration was completed in compliance with the California Environmental Quality Act and the State and County Guidelines related thereto; certifies that it independently reviewed and considered the Negative Declaration and that it reflects the independent judgment and analysis of the Board as to the environmental consequences of the Project; finds that on the basis of the whole record before the Board that there is no substantial evidence the Project will have a significant effect on the environment;
2. Certifies that it adopted the Negative Declaration at the conclusion of the public hearing on the project; and
3. Approves Conditional Use Permit No. 2010-00168-(4) subject to the attached conditions.

**CONDITIONS OF APPROVAL
PROJECT NUMBER R2010-01785-(4)
CONDITIONAL USE PERMIT NUMBER 2010-00168-(4)**

1. This grant authorizes the establishment and implementation of a development program to authorize the construction, operation, and maintenance of a self-serve automatic car wash and the sale of beer and wine for off-site consumption at an existing gas station and food mart facility, all in connection with a zone change from C-2-BE (Neighborhood Commercial–Billboard Exclusion) to C-3-BE-DP (Unlimited Commercial–Billboard Exclusion–Development Program).
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 10, and until all required fees have been paid pursuant to Condition No. 12. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 6, 7, 8, and 14 shall be effective immediately upon the date of final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to section 22.60.260 of the Los Angeles County Code ("County Code").
5. Approval of this grant for purposes of the construction, operation, and maintenance of the self-serve automatic car wash shall not become effective until Zone Change No. 2011-00007-(4) ("Zone Change") is approved by the County Board of Supervisors ("Board") and the Zone Change becomes effective.
6. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to reasonably cooperate in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
7. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing make an initial

deposit with Regional Planning in the amount of \$5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

A. If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

B. At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with section 2.170.010 of the County Code.

8. This grant shall expire unless used within two years from the date of final approval of the grant by the County. A single, one-year time extension may be requested in writing, with payment of the applicable fee, before the expiration date.
9. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
10. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the subject property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
11. This grant shall terminate on the date that is 20 years from the date of final approval of this grant. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning prior to the expiration of this permit, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six months prior to the expiration date of this grant and shall be accompanied by the required fees. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of the property may require additional or different permits and would be subject to the then-applicable regulations.

12. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file at Regional Planning. The permittee shall deposit with the County the sum of \$2,000. This deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for 10 biennial (one every other year) inspections. Inspections shall be unannounced.
13. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.
14. Within three days after the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination ("NOD") for this project and its entitlements in compliance with section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in section 711.4 of the Fish and Game Code, currently \$2,101.50 plus \$75.00 processing fee. No land use project subject to this requirement is final, vested, or operative until the fee is paid.
15. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated, that this grant has been exercised so as to be detrimental to the public's health or safety, so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code. In the event that the County deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the permittee shall compensate the County for all costs incurred in such proceedings.

16. All development pursuant to this grant must be kept in full compliance with the requirements of the County Department of Public Works, the County Fire Department, and the County Department of Public Health.
17. All requirements of Title 22 of the County Code (Zoning Ordinance) and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
18. Except for seasonal decorations or signage provided by or for a civic non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that do not directly relate to the use of the property or provide pertinent information about said premises. In the event any such extraneous markings become visible, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
19. The permittee shall comply with all recommended conditions and requirements contained in the County Public Health Department letter dated January 17, 2012, attached hereto and incorporated herein by reference, except as otherwise required by said department.
20. The permittee shall comply with all conditions and requirements contained in the County Fire Department letter dated March 7, 2012, attached hereto and incorporated herein by reference, except as otherwise required by said department.
21. The permittee shall comply with all conditions and requirements contained in the County Public Works letter dated April 4, 2012, attached hereto and incorporated herein by reference, except as otherwise required by said department.
22. The subject property shall be developed and maintained in substantial compliance with the approved plans on file at Regional Planning marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a revised Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval of the CUP. In the event that subsequent plans are submitted, the written authorization of the property owner is required.
23. Within 60 days of the date of final approval of this grant, the permittee shall submit to the Director of Regional Planning for review and approval an updated development program, which shall include all phases of development, indicating the sequence and time period within which the improvements described will be made, and clarifying the uses authorized pursuant to the development program.

PERMIT SPECIFIC CONDITIONS

24. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, zoning inspector, or Department of Alcoholic Beverage Control ("ABC") agent. The permittee shall ensure that the manager and all employees of the facility shall be knowledgeable of the conditions herein.
25. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with section 22.52, Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
26. The permittee and all managers and designated employees of the establishment, who are authorized to sell alcoholic beverages shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program, or other similar program, provided by ABC. All new designated employees shall be required to attend. The permittee shall display a certificate or plaque in a publicly accessible area of the establishment indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee, and all managers shall be available upon request.
27. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including, but not limited to, windows, walls, fences, or similar structures.
28. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
29. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
30. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises.
31. No sale of alcoholic beverages shall be made from a drive-through window.
32. The permittee shall only sell alcohol during normal operating hours of the food mart, but in no event shall the permittee sell alcohol between 2:00 a.m. and 11:00 a.m., seven days per week, in compliance with State law.
33. No containers of beer that are less than one quart in size shall be sold in less than six-pack quantities.
34. No display of alcoholic beverages shall be made from an ice tub.

35. The permittee shall display alcoholic beverages only in the cooler or shelving designated for display of said beverages as depicted on the "shelf plan" as shown on the approved plans on file with Regional Planning marked Exhibit "A." No additional display of alcoholic beverages shall be provided elsewhere on the premises.
36. There shall be no coin-operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, or similar amusements on the subject property, with the exception of official State lottery machines.
37. Employees on duty from the hours of 10:00 p.m. to 2:00 a.m. who sell alcoholic beverages shall be at least 21 years of age.
38. No advertising of alcoholic beverages shall be located on motor fuel islands.
39. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless the alcoholic beverages are in a permanently affixed cooler.
40. No malt liquors and/or malt-based products with alcohol content greater than five percent by volume shall be sold.
41. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than the manufacturer's prepackaged four-pack quantities.
42. The sale of fortified wines shall be prohibited.
43. The permittee shall provide adequate lighting above all entrances and exits to the premises. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be hooded, deflected, shaded, and focused away from all adjoining properties to prevent direct illumination and glare. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee.
44. The permittee shall maintain the subject property in a manner that is neat, clean, and free of trash or other debris. All litter and trash shall be collected regularly from the premises and the adjacent rights-of-way.
45. Except as otherwise shown in the approved development program, the following conditions apply:
 - A. No building or structure of any kind except a temporary structure used only in the developing of the property according to the program shall be built, erected, or moved onto any part of the property.

- B. No existing building or structure, which under the program is to be demolished, shall be used.
- C. No existing building or structure, which under the program is to be altered, shall be used until such building or structure has been so altered.
- D. All improvements shall be completed prior to the occupancy of any structures.
- E. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.

46. Where specifically indicated in the approved development program, the development of the Project may be completed in phases.

PROJECT SITE SPECIFIC CONDITIONS

- 47. Construction of the self-serve automatic car wash shall not begin until this grant is effective as provided in Condition No. 3.
- 48. No restaurant or similar type of seating is permitted on the subject property, including inside or outside the subject food mart.
- 49. As shown on the approved plan on file with Regional Planning and marked Exhibit "A," the permittee shall provide and continuously maintain a minimum of six on-site automobile parking spaces, which includes five standard spaces, one of which shall be for carwash patrons, and one space for disabled persons, developed to the specifications provided in section 22.52.1060 of the County Code.
- 50. As provided for in the development program, the subject property may be used for a self-serve automatic car wash and other uses allowed as permitted uses within the C-2 zone. Any uses that would require discretionary approval in the C-2 zone and any uses that would otherwise be allowed either as permitted or discretionary uses in the C-3 zone shall require a new conditional use permit.
- 51. The height of the building containing the automatic car wash shall not exceed 14 feet from finished grade.
- 52. The hours of operation for the automatic car wash and dryer unit shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Friday, and 8:00 a.m. to 8:00 p.m., Saturday and Sunday.
- 53. All outdoor displays shall be located entirely within an enclosed building unless otherwise authorized by a Temporary Use Permit.

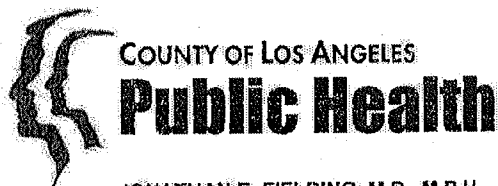
54. No outside storage shall be allowed on the Project site unless it complies with section 22.28.220 of the County Code.
55. Outdoor advertising signs are prohibited on the subject property.
56. As shown on the approved plan on file with Regional Planning and marked Exhibit "A," the permittee shall install a seven-foot-high block wall along the northern property line, where the property adjoins the alley and neighboring single-family residences, for the length of the alley excluding the existing driveway access from the alley.
57. As shown on the approved plan on file with Regional Planning and marked Exhibit "A," the permittee shall install a seven-foot-high block wall along the western property line, at the side of the proposed car wash, and the wall shall extend 10 feet beyond the entrance and exit of the carwash.
58. The permittee shall install a Noise Reduction Package (NRP) on the dryer unit for the car wash sufficient to bring the car wash into compliance with all applicable noise standards.
59. There shall be no outdoor public address system, other sound amplification device, or similar acoustical devices audible beyond the property boundaries.
60. The permittee shall submit three copies of a landscape plan to Regional Planning within 60 days after the date of final approval of this grant. The landscape plan shall show additional landscaping along the perimeter of the Project site, including along the walls at the rear of the Project site, as well as provide for the replacement of any trees that are removed in connection with the construction of the wall. Such landscaping shall be provided to the satisfaction of the Director of Regional Planning. All landscaping shall be maintained in a neat, clean, and healthy condition throughout the life of this grant, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. The landscaping shall be a minimum of 10 percent of the net area of the subject property.
61. The permittee shall maintain a current contact name, address, and telephone number on file with Regional Planning at all times.

Attachments:

Public Health letter dated January 17, 2012

Fire Department letter dated March 7, 2012

Public Works letter dated April 4, 2012



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

KENNETH MURRAY, REHS
Director of Environmental Protection Bureau

PATRICK NEJADIAN, REHS
Chief EHS, Land Use Program

KEN HABARADAS, M.S., REHS
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January 17, 2012

TO: Michele Bush
Principle Planner
Zoning Permits East Section
Department of Regional Planning

FROM: Ken Habaradas, M.S., REHS *K Habaradas*
Environmental Health Division
Department of Public Health

SUBJECT: **PROJECT NO. R2010-01785 / RCUP 2010-00168**
LOCATION: 11347 E. WASHINGTON BLVD., UNINCORPORATED WHITTIER

- ☒ Environmental Health recommends approval of this CUP.
- ☐ Environmental Health does **NOT** recommend approval of this CUP.

The Department of Public Health – Environmental Health Division has reviewed the information provided for the project identified above. The CUP is to authorize the construction of an automatic car wash with an existing gas station and to authorize the sale of alcohol for off-site consumption.

The Department recommends approval of this CUP with the following conditions:

1. The project shall comply with all Public Health requirements, regulations, and ordinances relating to food establishments.
2. The project shall comply with the Los Angeles County Noise Control Ordinance as found in Chapter 12.08 of the Los Angeles County Code, Title 12. The noise mitigation measures, as recommended in the "Acoustical Analysis of the Equilon Enterprises Car Wash," prepared by A&S Engineering, Inc., dated August 18, 2011, should be implemented to reduce operational noise to levels below the exterior noise standards specified in the Los Angeles County Noise Control Ordinance. The mitigation measures include acoustical shielding and installation of a Noise Reduction Package (NRP) on the dryer units.

For questions regarding the above conditions, please contact Robert Vasquez at (213) 738-4596.



**COUNTY OF LOS ANGELES
FIRE DEPARTMENT**

**5823 Rickenbacker Road
Commerce, California 90040-3027**

DATE: March 7, 2012

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2010-01785

LOCATION: 11347 E. Washington Blvd., LA Co Whittier

- ☒ The Fire Department Land Development Unit has no additional requirements for this permit.
- ☐ The required fire flow for this development is ____ gallons per minute for _ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☐ Verify __ Public 6" X 4" X 2 1/2" fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ **Comments:** The Fire Department has cleared this project for public hearing with a condition of approval.
- ☐ **Location:** _____
- ☐ **Access:** _____
- ☒ **Condition of Approval:** The property shall comply with Chapter 22, Motor Fuel-Dispensing Facilities and Repair Garages, of the County of Los Angeles Fire Code.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: Juan C. Padilla

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>


ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: LD-1

April 4, 2012

TO: Mi Kim
Zoning Permits West Area Section
Department of Regional Planning

Attention: Michele Bush

FROM:  Steve Burger
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201000168
PROJECT NO. R2010-01785
11347 EAST WASHINGTON BOULEVARD
ASSESSOR'S MAP BOOK NO. 8173, PAGE 4, PARCEL NO. 20
UNINCORPORATED COUNTY AREA OF SOUTH WHITTIER

- ☒ Public Works recommends approval of this CUP.
- ☐ Public Works does **NOT** recommend approval of this CUP.

This memo supersedes our January 31, 2012, memo. We reviewed the revised site plan with the revised parking configuration for CUP No. 201000168 located in the unincorporated County area of South Whittier. The project is to authorize the construction of a carwash for the sale of beer and wine for off-site consumption. The project also authorizes in connection with an existing gas station/food mart.

Upon approval of the site plan, we recommend the following conditions:

1. Road

- 1.1 Reconstruct existing driveway entrances and curb ramp on Washington Boulevard and Broadway Avenue (if necessary), along the property frontage, to meet current Americans with Disabilities Act guidelines and to the satisfaction of Public Works.

- 1.2 Repair any displaced, broken, or damaged pavement, along the property frontage, that occurred during construction to the satisfaction of Public Works.
- 1.3 Plant street trees along the property frontage to the satisfaction of Public Works.
- 1.4 Execute a drainage covenant for the private maintenance of curb/private drains, if any, to the satisfaction of Public Works.
- 1.5 Acquire street plan approval or direct check status before obtaining a grading or building permit.

For questions regarding the road conditions, please contact Patricia Constanza at (626) 458-4921 or pconsta@dpw.lacounty.gov.

2. Street Lighting

- 2.1 Provide street lights on concrete poles with underground wiring along the property frontage on Broadway Avenue to the satisfaction of Public Works. Submit street lighting plans along with existing and/or proposed underground utility plans as soon as possible to Public Works' Traffic and Lighting Division, Street Lighting Section, to allow the maximum time for processing and approval.
- 2.2 The applicant shall comply with the conditions of acceptance listed below in order for the lighting district to pay for the future operation and maintenance of the street lights. It is the sole responsibility of the owner of the project to have all street lighting plans approved prior to the issuance of a building permit or road improvements permits, whichever occurs first. The required street lighting improvements shall be the sole responsibility of the owner of the project, and the installation must be accepted by the Lighting District, per approved plans, prior to issuance of a Certificate of Occupancy.

Conditions of Acceptance for Street Light Transfer of Billing:

All street lights in the project, or the approved project phase, must be constructed according to Public Works-approved plans. The contractor shall submit one complete set of As-built plans. Provided the above conditions are met, the lighting district can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year.

provided all street lights in the project, or approved project phase, have been energized and the developer has requested a transfer of billing at least by January 1 of the previous year. The transfer of billing could be delayed one or more years if the above conditions are not met. The lighting district cannot pay for the operation and maintenance of street lights within gated communities.

For questions regarding the street lighting conditions, please contact Arnel Dulay at (626) 300-4754 or adulay@dpw.lacounty.gov.

3. Environmental Program

- 3.1 Approvals and operating permits must be obtained for any operation within the proposed project including the construction, installation, modification, or removal of industrial waste treatment or disposal facilities and/or storm water treatment facilities.
- 3.2 All development and redevelopment projects, which fall into one of the Standard Urban Stormwater Mitigation Plan (SUSMP) project types, characteristics, or activities, must obtain SUSMP approval by the appropriate agency.
- 3.3 In order to mitigate the project's impact and facilitate the County's compliance with the State Waste Reduction mandate, the applicant must provide adequate areas for the collection and removal of recyclable materials.

For questions regarding the environmental conditions, please contact Corey Mayne at (626) 458-3524 or cmayne@dpw.lacounty.gov.

4. Drainage

- 4.1 Prior to issuance of building permits, a drainage and grading plan must be approved to provide for the proper distribution of drainage and to comply with National Pollutant Discharge Elimination System, Stormwater Management Plan, and SUSMP requirements for the new structure.

For questions regarding the drainage condition, please contact Chris Sheppard at (626) 458-4921 or csheppard@dpw.lacounty.gov.

Mi Kim
April 4, 2012
Page 4

5. Sewer

- 5.1 Submit a sewer area study and comply with any mitigations identified in the sewer area study prior to any sewer connection to existing public sewer for the proposed car wash. The proposed carwash is being designed as a 70 percent water recycling system and 30 percent discharge to underground tank with no discharge to the existing sewer system.

For questions regarding the sewer condition, please contact Tony Khalkhali at (626) 458-4921 or tkhalkh@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or rcruz@dpw.lacounty.gov.

RC:tb

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